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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,975	11/13/2001	Shunji Imai	43890-552	6015

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600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,975

Applicant(s)

IMAI ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 & 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 May 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 16 May 2006 have been fully considered but they are not fully persuasive.
3. In response to applicant's amendment to the claims, the rejections over MISENHIMER and ERNSTER are withdrawn.
4. Regarding the rejection over WULF in view of applicant's admitted prior art or COTTON or THUMA '242 or THUMA '837, applicant argues that WULF discloses upwardly and downwardly extending blades and does not disclose the new language which requires the protrusions "extending *only* upwardly therefrom", this is not persuasive because applicant's open claim language "comprising" does not prevent the agitator of WULF from having an additional "disk" with "protrusions extending only upwardly therefrom" and, thus, reading on the claimed invention. Namely, WULF

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discloses using plural blades (112) comprising blade (114) having a "disk" or flat portion (120) with protrusions (122/124) extending only upwardly therefrom. Moreover, applicant's admitted prior art further shows such stirring blade disk structure is known in the art (i.e. in Figure 41) and, thus, applicant's stirring blade is not considered the point of novelty in the instant invention. Accordingly, recitation of the aforementioned prior art renders applicant's claimed invention obvious.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-3, 5-10 & 19-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed stirring blade with a "disk disposed on a shaft of the rotary drive unit inside the washing tank, said disk having protrusions extending only upwardly therefrom" (emphasis added) is considered new matter because applicant's original disclosure does not adequately describe such structure and it does not appear applicant had possession of the scope of such claimed subject matter at the time the application was filed. The Examiner further notes that applicant's original disclosure is textually silent with respect to such language.

Moreover, the Examiner notes that applicant's "stirring blade" as shown in the Figures is not commensurate in scope with the broadly claimed "disk" having "protrusions extending only upwardly therefrom". Accordingly, such description of the stirring blade is considered new matter and should be removed. Even if, *arguendo*, applicant were to provide a picture claim of the original disclosed "stirring blade" structure, the Examiner notes that the admitted prior art of applicant (Figure 41) evidences that such structure is known and, thus, is not considered the point of novelty of applicant's invention.

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-3, 5-10 & 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WULF (previously cited) in view of applicant's admitted prior art or U.S. Patent No. 6,690,128 to COTTON *et al.* ("COTTON") or U.S. Patent No. 6,027,242 to THUMA ("THUMA '242") or U.S. Patent No. 6,012,837 to THUMA ("THUMA '837").  
Re claims 1 & 5, WULF discloses an apparatus with motor driven base 32 with connection structure for a detachably mounted tank 34 including stirring blades 112, the blades comprising a disk-shaped center connected to the rotatable shaft and "protrusions" extending thereon, and means 68 for controlling the blade (see, for instance, Figure 3 and relative associated text). Re claims 2-4, WULF further discloses transfer joint 56 connecting the rotary drive base to a transfer joint (not shown) below rotatable blades 112 (Figure 3). Although WULF does not explicitly show a rotatable

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shaft connecting the motor to joint 56, the position is taken that such a shaft inherently must exist in order to transfer rotary power from the motor base to joint 56. Re claims 6-7 & 9-10, WULF further discloses the tank having a grip 70 (Figures 3 and 6), a water level line 78 (Figure 6), and a cover 82 with lock mechanism 84 (Figures 3 & 7). Re claims 19-20, WULF further discloses a guide 54 on top of the base (Figures 3/15) and tank fixing portions on the tank (190/200) and base (48/50) to lock the tank to the base (Figures 2-3 and relative associated text). Re claim 21, WULF further discloses sensors 66/67 connected to controller 224 for sensing/detecting presence of a top mounted tank and controlling rotary function of the base (Figure 4 & col. 13, lines 19-48). Re claim 22, WULF further discloses outer periphery projections 190/200 which cover the transfer joints (Figure 2). It is noted that the term "washing" is considered intended use and given little patentable weight in the claimed structure. WULF discloses the apparatus for use in "household appliances" and discloses using different "rotation speeds" and "mixing" (col. 1, lines 6-17). Although WULF discloses using different rotation speeds, WULF does not expressly disclose a speed reducer between the drive base and the rotary blades. Applicant readily admits (for instance in Figure 41 and relative associated text) that it is well known to provide a motor driven rotary appliance with a speed reducer. COTTON teaches that it is known to provide a rotary appliance with speed reducers to reduce and control rotary speed to a desired level from an electric motor (see col. 3, lines 7-55). THUMA '242 & THUMA '837 each teach that it is known to provide speed reduction gears to a motor driven rotary apparatus to achieve reduction in rotary speed from an electric motor to a rotary blade (see col. 2, lines 51-57

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of THUMA '242 & col. 1, lines 5-15 in THUMA '837). It would have been well within the level of ordinary skill in the art to provide the rotary appliance of WULF with speed reduction gears, as disclosed by applicant's admitted prior art or COTTON or the THUMA references, in order to provide a rotary appliance with means for reducing rotary speed of a blade connected to a higher speed rotary motor to achieve lower speed suitable for mixing. Moreover, there would be a reasonable expectation of success for one of ordinary skill in the art to supply the rotary apparatus of WULF with such speed reducers in order to reduce the rotary speed from the output of an electric motor.

### ***Conclusion***

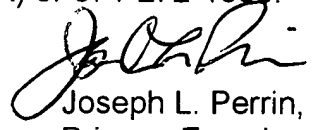
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: JP 2000-233094, which discloses a portable washing machine having a removal tank with rotary agitating disk therewithin.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
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jlP